

August 11, 2000

To: CINMS Advisory Council

From: Linda Krop, Conservation Representative

Re: **Report from the Conservation Working Group Regarding DEIS Boundary Concepts and Draft Regulations**

The Conservation Working Group ("CWG") met on August 10, 2000, to discuss the DEIS Boundary Concepts and Draft Regulations that will be considered by the CINMS Advisory Council on August 16, 2000. The CWG officially approved the following recommendations:

1. **Boundary Concept #1 Should Be Included In The DEIS.**

The CWG recommends that Boundary Concept #1 should be included in the DEIS for the following reasons: (a) to honor and address the public scoping comments that requested an analysis of this boundary alternative; (b) to avoid losing public support if this alternative is dismissed without analysis; (c) to address the ecological linkages identified in the Study Area report; (d) to comply with the Sanctuary Act mandate that resources be protected on an ecosystem basis; (e) to evaluate watershed linkages to the marine environment; (f) to include the land/water interface that affects marine resources; (g) to offer the best representation of the three bioregions which are mandated for inclusion in the CINMS; (h) to address future climate change impacts; (i) to more fully address the sources of water pollution that impact Sanctuary resources; and (j) to more fully address potential new oil and gas leasing.

2. **An Additional Boundary Alternative Should Be Included That Encompasses San Nicolas Island.**

This recommendation was based on the fact that (a) DOD activities would still be subject to the exemptions provided by law and included in the Management Plan; (b) significant resources are represented in this area, including sea otters, elephant seals, seabird nesting sites, and blue whales; and (c) from an ecosystem perspective, this area represents an essential part of the transition zone between northern and southern waters.

3. **The Boundary Alternatives Should Include A Reasonable Range Of Regulatory Options Which Focus On Areas Of Jurisdictional Conflict.**

This recommendation responds to the concerns raised by certain local and state agencies that have jurisdiction within the proposed boundary concept areas. This recommendation requests that the DEIS include an analysis of potential "exclusion" zones that may be exempt (within each boundary alternative) from certain regulations. The intent of this recommendation is to ensure

meaningful consideration of a boundary that best represents ecosystem management without duplicating existing regulations or generating opposition from other agencies and constituents.

(4) Boundary Concept #1 Should Be The Preferred Alternative.

See (1) above.

(5) Personal Motorized Watercraft Shall Be Prohibited Except Where, Depending Upon The Boundary Definition, Access Is Required By Law.

Although the CWG did not have time to offer a complete response to the staff-recommended regulations, the group did address a few issues of salient interest. When the DEIS is released, the CWG will provide a more exhaustive list of recommendations regarding proposed CINMS regulations.

The recommendation regarding personal motorized watercraft was based upon the potential significant impacts to marine resources and other users of the CINMS environment caused by the use of personal motorized watercraft. The recommendation is in line with other potential prohibitions under consideration by the Gulf of the Farallones National Marine Sanctuary and the County of Santa Barbara (Goleta Beach). This recommendation recognizes that, for legal reasons, it may be impossible to prohibit personal motorized watercraft throughout some of the larger boundary alternatives, and therefore requests that the DEIS analyze what access may be required by law.

(6) Vessels Of One Hundred Tons Or More Shall Be Prohibited From Operating Within 3 NM Of An Island, Except To Transport Persons Or Supplies To Or From An Island, Or To Fish (Including Kelp Harvesting).

This recommendation is consistent with the staff recommendation, except that to increase protection for the resources surrounding the Islands, the CWG recommends increasing the distance of prohibition from one to three nautical miles.

(7) Effluent Incidental To Hydrocarbon Exploration And Exploitation Activities Shall Not Be Discharged Or Deposited Within The CINMS.

The CWG recommends that the DEIS evaluate other alternative methods of disposal of effluent incidental to hydrocarbon exploration and exploitation, similar to the requirements of oil and gas development operations in state tidelands. This recommendation is based upon the concern that effluent discharges contain toxic materials and may pose long-term impacts to the marine environment. The recommendation would also allow consideration of potential new EPA criteria for ocean discharges that may result from the Executive Directive mandating enhanced protection for marine protected areas. Therefore, the CWG recommends that the DEIS should evaluate alternatives to effluent discharge or disposal for all boundary alternatives, including, but not limited to: shunting to areas outside the CINMS boundary, as well as onshore disposal.